

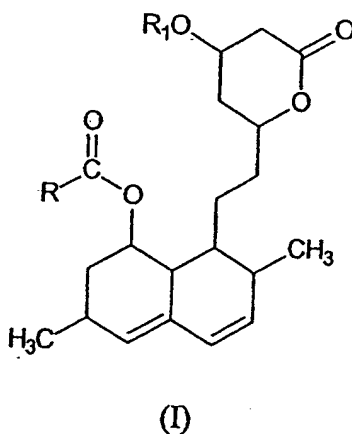
10/509611

DT04 Rec'd PCT/PTO 27 SEP 2004

**In the Claims:**

After the title "Claims" insert "What is claimed is:"

1. (Currently Amended) A process for the preparation of 4-oxytetrahydropyran-2-ones of the formula I



Wherein

R means a C<sub>1-12</sub>-alkyl group and

R<sub>1</sub> means H,

characterized in that in comprising the steps of a) providing a compound of the formula (I), wherein R has the above meaning and R<sub>1</sub> means a silyl protection group, b) removing the silyl protection group ~~is removed by~~ triethylamine trihydrofluoride in an organic solvent, a mixture of organic solvents or without an organic solvent, and c) isolating the obtained compound ~~is isolated~~.

2. (Currently Amended) A The process according to claim 1, ~~characterized in that~~ wherein the group R in the formula (I) ~~means~~ is a branched or straight C<sub>1-12</sub>-alkyl group or a cyclic C<sub>3-10</sub>-alkyl group preferably C<sub>5</sub>-alkyl group, especially CH<sub>3</sub>CH<sub>2</sub>C(CH<sub>3</sub>)<sub>2</sub>.

3. (Currently Amended) A The process according to claim 1, ~~characterized in that~~ wherein the silyl protection group R<sub>1</sub> in the formula (I) ~~means~~ is a trisubstituted silyl protection group.

4. (Currently Amended) A The process according to claim 3, ~~characterized in that wherein~~ the trisubstituted silyl protection group ~~means~~ is selected from the group consisting of trimethylsilyl, triethylsilyl, dimethylisopropylsilyl, *tert*-butyldimethylsilyl, (triphenylmethyl)dimethylsilyl, *tert*-butyldiphenylsilyl, diisopropylmethylsilyl, triisopropylsilyl, triphenylsilyl, diphenylmethylsilyl, diethylisopropylsilyl, dimethylhexylsilyl, tribenzylsilyl, tri-*p*-xylylsilyl, *tert*-butylmethoxyphenylsilyl, preferably *tert*-butyldimethylsilyl, and trimethylsilyl groups.

5. (Currently Amended) A The process according to claim 1, ~~characterized in that wherein~~ it is performed without a catalyst.

6. (Currently Amended) A The process according to claim 1, ~~characterized in that as wherein~~ the organic solvent or the mixture of organic solvents ~~there are used~~ are selected from the group consisting of halogenated organic solvents, hydrocarbons, aromatic hydrocarbons, esters, ethers, amides amines, nitriles, carbonates, sulfoxides, e.g. 1,4-dioxane, butyl acetate, isopropyl acetate, ethyl acetate, methylene chloride, acetonitrile, dimethylsulfoxide, dimethylformamide, dimethylacetamide, toluene, xylene, tetrahydrofurane, dimethylcarbonate, diethylcarbonate, cyclohexane, and triethylamine.

7. (Currently Amended) A The process according to claim 1, ~~characterized in that wherein~~ the isolation of the obtained compound is performed in the same organic solvent.

8. (Currently Amended) A The process according to claim 7, ~~characterized in that as wherein~~ the organic solvent ~~there are~~ that is used is an acetate ~~acetates such as ethyl acetate, propyl acetate, isopropyl acetate, butyl acetate, aromatic hydrocarbons such as toluene, xylene, halogenated hydrocarbons such as dichloromethane, trichloromethane, ethers such as *tert*-butyl methyl ether or~~ and mixtures of these solvents are used thereof.

Please cancel claims 9-12 and add the following claims:

13. (New) The process according to claim 8, wherein the acetate is ethyl acetate, propyl acetate, or isopropyl acetate.

14. (New) The process according to claim 8, wherein the aromatic hydrocarbon is toluene or xylene.
15. (New) The process according to claim 8, wherein the halogenated hydrocarbon is dichloromethane or trichloromethane.
16. (New) The process according to claim 8, wherein the ether is *tert*-butyl methyl ether.
17. (New) The process according to claim 1 ~~characterized in that~~ which is performed at a temperature from 0°C to the boiling point of the organic solvent or the reaction mixture, ~~preferably at a temperature from room temperature to 50 °C.~~
18. (New) The process according to claim 17, which is performed at a temperature from room temperature to 50 °C.
19. (New) The process according to claim 1, wherein from 0.3 mole to 1.5 mole of triethylamine trihydrofluoride is reacted with 1 mole of the silylated product.
20. (New) The process according to claim 2 wherein R in the formula (I) is C<sub>5</sub>-alkyl group.
21. (New) The process according to claim 20 wherein R is CH<sub>3</sub>CH<sub>2</sub>C(CH<sub>3</sub>)<sub>2</sub>.
22. (New) *Tert*-butyldimethylsilyloxy simvastatin in a solid form.
23. (New)) A process of producing simvastatin comprising the steps of obtaining a purified *tert*-butyldimethylsilyloxy simvastatin in a solid form and removing the silyl protecting group.